

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:13-CV-499-MOC-DCK**

<b>LAKEISHA M. BARRINGER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>MEMORANDUM AND RECOMMENDATION AND ORDER</u></b>
<b>NEIGHBORHOOD ASSISTANCE CORPORATION OF AMERICA, and PERRY HOPPER,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER IS BEFORE THE COURT** on “Defendant Neighborhood Assistance Corporation Of America’s Motion To Dismiss Or In The Alternative Motion To Stay Proceedings And Compel Arbitration” (Document No. 10) and “Defendant Perry Hopper’s Motion To Stay Proceedings And Compel Arbitration Or In The Alternative Motion To Dismiss” (Document No. 12), filed October 28, 2013. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motions and the record, the undersigned will grant the motions, in part.

The undersigned observes that “Plaintiff’s Stipulation” (Document No. 14) was filed on November 14, 2013. That document expresses Plaintiff’s consent to Defendants’ requests to stay this matter and compel arbitration. (Document No. 14); see also (Document Nos. 10 and 12). For good cause shown in Defendants’ motions, and noting that Plaintiff now consents to relief requested by Defendants, the undersigned finds that this matter should be stayed and that the parties should proceed with arbitration.

**IT IS, THEREFORE, ORDERED** that “Defendant Neighborhood Assistance Corporation Of America’s Motion To Dismiss Or In The Alternative Motion To Stay Proceedings And Compel Arbitration” (Document No. 10) and “Defendant Perry Hopper’s Motion To Stay Proceedings And Compel Arbitration Or In The Alternative Motion To Dismiss” (Document No. 12) are **GRANTED**, in part. This matter is hereby **STAYED** and the parties are directed to immediately seek arbitration.

**IT IS FURTHER ORDERED** that the parties shall file a Status Report, or Stipulation Of Dismissal, on or before **January 15, 2014**.

**FOR THE FOREGOING REASONS**, undersigned respectfully recommends that to the extent Defendants seek dismissal, those requests be **DENIED WITHOUT PREJUDICE**.

#### **TIME FOR OBJECTIONS**

The parties are hereby advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72 of the Federal Rules of Civil Procedure, written objections to the proposed findings of fact, conclusions of law, and recommendation contained herein may be filed within **fourteen (14) days** of service of same. Responses to objections may be filed within fourteen (14) days after service of the objections. Fed.R.Civ.P. 72(b)(2). Failure to file objections to this Memorandum and Recommendation with the District Court constitutes a waiver of the right to *de novo* review by the District Court. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005). Moreover, failure to file timely objections will preclude the parties from raising such objections on appeal. Diamond, 416 F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Snyder v. Ridenhour, 889 F.2d 1363, 1365 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140, 147-48 (1985), reh'g denied, 474 U.S. 1111 (1986).

**SO ORDERED AND RECOMMENDED.**

Signed: November 15, 2013

  
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David C. Keesler  
United States Magistrate Judge 